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IN THE UNITED STATES DISTRICT COURT
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FOR THE DISTRICT OF ARIZONA
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9 IN RE: Bard IVC Filters Products
10 Liability Litigation,

No. MDL 15-02641-PHX-DGC

11 Jimmy Phillips,
12 Plaintiff,

No. CV-17-1154-PHX-DGC

13 v.
14 C. R. Bard, Inc., a New Jersey
15 Corporation; and Bard Peripheral
16 Vascular, Inc., an Arizona corporation,

ORDER

17 Defendants.

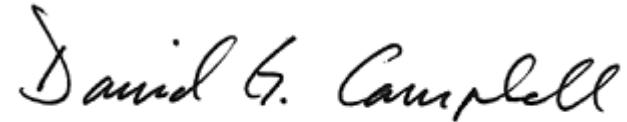
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19 Defendants have filed a motion to dismiss Plaintiff Jimmy Phillips' complaint
20 pursuant to Rule of Civil Procedure 12(b). Doc. 21119. Plaintiff has not filed a response
21 to the motion and the time for doing so has passed. At the time the complaint was filed on
22 behalf of Plaintiff, in his individual capacity, for his alleged personal injuries, he was
23 already deceased. This Court has previously held that a deceased party cannot be a party
24 to a legal action and, as a result, the complaint is a legal nullity and the Court has no
25 jurisdiction over it. The Court accordingly will grant the motion and dismiss Plaintiff's
26 complaint.

1 **IT IS ORDERED:**

2 1. Defendants' motion to dismiss Plaintiff Jimmy Phillips' complaint
3 (Doc. 21119) is **granted**.

4 2. The Clerk is directed to terminate this member case.

5 Dated this 9th day of January, 2020.

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David G. Campbell
Senior United States District Judge